

REMARKS

This is in response to the Office action mailed on September 15, 2004, in which claims 1, 3 and 5-9 were rejected under 35 U.S.C. 102(b) due to U.S. Patent 6457772 issued to Forston; and claims 2, 4 and 10 were rejected under 35 U.S.C. 103(a) due to Forston and U.S. Patent 2807315 issued to Manne. Claims 1, 2, 4-6, 8 and 9 have been amended and define aspects of the present invention that are not anticipated or made obvious due to the cited references. The applicant requests that the Examiner admit these amendments and consider the following remarks, and allow claims 1-10 in light thereof.

CLAIMS 1 AND 8 ARE NOT ANTICIPATED BY FORSTON

Claims 1 and 8 as amended include elements fully supported by the specification and figures and not disclosed by the cited references. The applicant believes claims 1 and 8 as amended are novel and not obvious relative to the cited references. For example, the cited references do not disclose or suggest a substantially vertical, flat planar bracket wall. Furthermore, novel elements of claims 1 and 8 provide advantages over the cited references, such as providing a more secure and attractive connection to chair backs than the art of the cited references. For example, the substantially vertical, flat planar bracket wall allows the bracket wall to be bolted or screwed together with chair brackets, rather than merely providing a gripping or hanging attachment as in the prior art references, allowing for a much more secure attachment that is much less likely to be set askew or to fail if the accessory support or holder is bumped or otherwise disturbed. The applicant therefore requests that the examiner admit and allow the amended claims 1 and 8.

CLAIMS 2 AND 4 ARE NOT RENDERED OBVIOUS BY FORSTON AND MANNE

Claims 2 and 4 as amended include elements fully supported by the specification and figures and not disclosed or suggested by the cited references. The applicant believes claims 2 and 4 as amended are novel and not obvious relative to the cited references. Furthermore, novel and non-obvious elements of claims 2 and 4 provide advantages over the cited references, such as providing a more secure and attractive connection to chair backs than the art of the cited references. Further, claim 1, upon which claims 2 and 4 depend, also defines novel and non-obvious elements relative to the cited references, which are incorporated in claims 2 and 4. The applicant therefore requests that the examiner admit and allow the amended claims 2 and 4.

CLAIMS 3, 5, 6 AND 7 ARE NOT ANTICIPATED BY FORSTON

Claims 3, 5, 6 and 7 include elements not disclosed by Forston, including those incorporated from claim 1 as discussed above. The applicant therefore requests that the examiner admit and allow the amended claims 3, 5, 6 and 7.

Claim 6 in particular has also been amended to include further elements of the present invention that are not disclosed or suggested by the cited references. For example, neither of the cited references disclose or suggest a bracket wall comprising a bolt hole configured to receive a bolt secured through a corresponding bolt hole of the chair back bracket. As another example, neither of the cited references disclose or suggest a bracket wall further comprising a bolt slot, spaced apart from the bolt hole, the bolt slot configured to receive a second bolt secured through a corresponding bolt slot of the chair back bracket. Due to novel and non-obvious elements such as these, the applicant therefore requests that the examiner admit and allow the amended claim 6.

CLAIM 9 IS NOT ANTICIPATED BY FORSTON

Claim 9 as amended includes elements fully supported by the specification and figures and not disclosed by the cited references, including elements incorporated from claim 8 and elements unique to claim 9 as amended. The applicant believes claim 9 as amended is novel and not obvious relative to the cited references. Furthermore, novel elements of claim 9 provide advantages over the cited references, such as providing a more secure and attractive connection to chair backs than the art of the cited references. The applicant therefore requests that the examiner admit and allow the amended claim 9.

CLAIM 10 IS NOT RENDERED OBVIOUS BY FORSTON AND MANNE

Claim 10 as amended includes elements fully supported by the specification and figures and not disclosed by the cited references, including elements incorporated from claim 8 as amended and elements unique to claim 10. It was alleged in the latest Office action that claim 10 was obvious due to Forston and Manne. This argument is resolved at least due to the amendment to claim 8 on which claim 10 depends, clarifying further elements not taught or suggested by the cited references. However, it was also not explained in the Office action how Forston or Manne could have taught end support members having generally vertical walls that are inclined from a maximum width adjacent a lower edge to a minimum width adjacent a top of the holder. These elements are simply not disclosed or suggested in Manne or Forston. A *prima facie* showing of obviousness is not established without showing how every elements of the claim is disclosed or suggested in the prior art (MPEP 2143.03). Yet, no alleged showing of how these elements of claim 10 are either taught or suggested in the prior art has been made. The applicant therefore believes that the unique elements of claim 10 further define

novel and non-obvious subject matter. The applicant therefore requests that the examiner admit and allow claim 10.

ALLOWANCE OF CLAIMS 1-10 IS REQUESTED

The above remarks are illustrative of distinctive and substantial differences in structure and function of the present claims over the cited references, which render the present claims novel and not obvious. The applicant therefore respectfully requests that the Examiner admit and allow claims 1-10.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: Bryan Erickson  
Bryan F. Erickson, Reg. No. 51,655  
Suite 1600 - International Centre  
900 Second Avenue South  
Minneapolis, Minnesota 55402-3319  
Phone: (612) 334-3222 Fax: (612) 334-3312